

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

061-76654

ROSE SHUMELMAN, EXECUTRIX OF THE
ESTATE OF SOLOMON SHUMELMAN

vs.

TRUMP TAJ MAHAL ASSOCIATES d/b/a
TRUMP TAJ MAHAL

CIVIL ACTION

NO.

**NOTICE OF FILING NOTICE OF REMOVAL
TO THE UNITED STATES DISTRICT COURT FOR THE EASTERN
DISTRICT OF PENNSYLVANIA**

TO: Edward F. Chacker, Esquire
Gay, Chacker & Mitten, P.C.
1731 Spring Garden Street
Philadelphia, PA 19130

PLEASE TAKE NOTICE that Trump Taj Mahal Associates d/b/a Trump Taj Mahal, in the matter of Rose Shumelman, Executrix of the Estate of Solomon Shumelman v. Trump Taj Mahal Associates d/b/a Trump Taj Mahal, originally pending in the Court of Common Pleas in the County of Philadelphia, Pennsylvania, under February Term 2006, No. 0634, files in the United States District Court for the Eastern District of Pennsylvania, its Notice of Removal of said cause to the Eastern District of Pennsylvania. A copy of the Notice of Removal is attached hereto and served herewith.

**MARKS, O'NEILL, O'BRIEN
& COURTNEY, P.C.**

By: _____
Patrick C. Lamb, Esquire
Attorney I.D. No.: 70817
1800 JFK Boulevard, Suite 1900
Philadelphia, Pa. 19103
215-564-6688
Attorney for Defendant

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

061-76654

ROSE SHUMELMAN, EXECUTRIX OF THE
ESTATE OF SOLOMON SHUMELMAN

vs.

TRUMP TAJ MAHAL ASSOCIATES d/b/a
TRUMP TAJ MAHAL

CIVIL ACTION

NO.

NOTICE OF REMOVAL

AND NOW, Defendant, Trump Taj Mahal Associates d/b/a Trump Taj Mahal, by and through its attorneys, MARKS, O'NEILL, O'BRIEN & COURTNEY, P.C., hereby removes the above-captioned case to this Honorable Court and provides notice of same to counsel representing the Plaintiff. In support of the removal, the Defendant avers as follows:

1. This is an action filed and now pending in the Philadelphia Court of Common Pleas, February Term, 2006. No. 0634.
2. A copy of Plaintiff's complaint is attached hereto as Exhibit "A".
3. This action was instituted by complaint in the Court of Common Pleas of Philadelphia County on or about February 10, 2006 by Plaintiff filing a complaint at the above court term and number.
4. This Notice of Removal is being filed within thirty (30) days after receipt by the Defendant of the initial pleading setting forth the claim for relief upon which this action is based in accordance with 28 U.S.C. §1446(b).

5. This is a civil suit and involves controversy between citizens of different states.

Plaintiffs, upon information and belief, were at the time of the commencement of the above action citizens of the State of Pennsylvania.

6. Defendant, Trump Taj Mahal Associates d/b/a Trump Taj Mahal, which conducts business at 1000 Boardwalk at Virginia Avenue in Atlantic City, is a New Jersey corporation with principal place of business in Atlantic City, New Jersey.

7. As averred in Plaintiff's complaint, the damages claimed by Plaintiff are in excess of \$50,000.00.

8. Defendant alleges and avers upon information and belief that the amount in controversy is in excess of \$75,000.00, exclusive of interests and costs.

9. The above-described Civil Action is one in which this Honorable Court has original jurisdiction pursuant to Title 28 United States Code Section 1332 based upon the fact that there exists diversity of citizenship between the parties and the amount in controversy is in excess of \$75,000.00, exclusive of interests and costs, and is accordingly one which may be removed to this Honorable Court by Notice pursuant to Title 28, United States Code, Section 1441.

10. Promptly after filing this Notice of Removal in this Honorable Court, a copy of this Notice of Removal will be filed with the Court of Common Pleas of Philadelphia County, Commonwealth of Pennsylvania, in accordance with 28 United States Code, Section 1446(d).

11. Copies of all process, pleadings and order served upon defendant as of the time of this removal are attached hereto in accordance with 28 United States Code, Section 1446(a).

12. Defendant has contemporaneously with the filing of this Notice of Removal given written notice to Plaintiff's counsel.

WHEREFORE, Defendant respectfully requests that this action, currently docketed in

the Court of Common Pleas of Philadelphia County be removed to the United States District Court for the Eastern District of Pennsylvania.

**MARKS, O'NEILL, O'BRIEN
& COURTNEY, P.C.**

By:_____

Patrick C. Lamb, Esquire
Attorney I.D. No.: 70817
1800 JFK Boulevard, Suite 1900
Philadelphia, Pa. 19103
215-564-6688
Attorney for Defendant

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

061-76654

ROSE SHUMELMAN, EXECUTRIX OF THE
ESTATE OF SOLOMON SHUMELMAN

vs.

TRUMP TAJ MAHAL ASSOCIATES d/b/a
TRUMP TAJ MAHAL

COURT OF COMMON PLEAS
PHILADELPHIA COUNTY
CIVIL DIVISION

FEBRUARY TERM 2006, NO. 0634

CERTIFICATE OF SERVICE

I hereby certify that this day of , 2006, a true and correct copy of
the Defendant's Notice to Remove was served on all parties of record by first class mail, postage
prepaid.

**MARKS, O'NEILL, O'BRIEN
& COURTNEY, P.C.**

By: _____
Patrick C. Lamb, Esquire
Attorney for Defendant
1800 JFK Boulevard, Suite 1900
Philadelphia, Pa. 19103
215-564-6688

PH139465.1

**MARKS, O'NEILL, O'BRIEN
& COURTNEY, P.C.
BY: PATRICK C. LAMB, ESQUIRE
IDENTIFICATION NO: 70817
1800 JFK BOULEVARD, SUITE 1900
PHILADELPHIA, PA 19103
215-564-6688**

Attorney for Defendant

ROSE SHUMELMAN, EXECUTRIX OF THE
ESTATE OF SOLOMON SHUMELMAN

vs.

TRUMP TAJ MAHAL ASSOCIATES d/b/a
TRUMP TAJ MAHAL

COURT OF COMMON PLEAS
PHILADELPHIA COUNTY
CIVIL DIVISION

FEBRUARY TERM 2006, NO. 0634

PRAECIPE TO FILE NOTICE OF REMOVAL

TO THE PROTHONOTARY:

Please take notice that the above-captioned matter has been removed by Defendant to the United States District Court for the Eastern District of Pennsylvania. A time-stamped copy of the Notice of Removal is attached hereto.

**MARKS, O'NEILL, O'BRIEN
& COURTNEY, P.C.**

By: _____
Patrick C. Lamb, Esquire
Attorney for Defendant

Dated: _____